

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ERICA PERCIFIELD, on Behalf of Herself)	
and All Others Similarly Situated,)	Collective Action
)	
Plaintiffs,)	
)	
vs.)	CAUSE NO. 1:10-cv-159 SEB-DML
)	
EAST TENTH STREET CHURCH OF)	
GOD,)	
)	
Defendant.)	

**ORDER GRANTING FINAL APPROVAL OF SETTLEMENT, RELEASE OF CLAIMS
AND DIRECTING PAYMENT OF SETTLEMENT FUNDS AND ATTORNEY FEES**

The lead plaintiff, Erica Percifield, in this case has alleged collective action wages claims against Defendant, East Tenth Street Church of God, pursuant to the Fair Labor Standards Act, 29 U.S.C. §216. On March 30, 2011, the parties entered into a Settlement Agreement. *See* Doc. #35-1. Also on March 30, 2011, the parties filed their Joint Motion for Approval of the Notice to Collective Action Members of Settlement and to Schedule a Final Approval Hearing. *See* Doc. #35. On May 23, 2011, this Court entered an Order on Joint Motion for Approval of the Notice to Collective Action Members of Settlement and to Schedule a Final Approval Hearing. *See* Doc. #37. On May 28, 2011, each potential collective member was mailed the Notice and Opt-In Form.

The deadline to opt-in to this action was July 12, 2011. Thirteen (13) of the 29 potential collective members timely returned their Opt-In Forms to Plaintiff's counsel. Addresses for three (3) of the potential collective members could not be located. Pursuant to the Settlement Agreement, each of the opt-in collective members will receive their actual wages owed for

attending monthly staff meetings. Additionally, the parties have agreed that Plaintiff's counsel is to be paid \$8,000.00 in attorney fees and costs incurred during the prosecution of this matter. On July 26, 2011, Plaintiff's counsel filed an Unopposed Motion for Attorney Fees and Expenses with evidence to support the reasonableness of the \$8,000.00 in attorney fees and costs agreed to by the parties.

The Court conducted a hearing on July 29, 2011. No one appeared at this hearing to object to the proposed settlement. The Court has reviewed the parties' Joint Motion, the Motion for Attorney Fees and Expenses of Plaintiff's counsel, all exhibits thereto, and has considered the evidence submitted to the Court by the parties prior to the hearing, and the evidence presented at the hearing. For reasons stated on the record, the court found the settlement to be fair and reasonable and orally approved the parties' agreement, as well as plaintiff's request for attorney fees. The parties submitted a proposed order of approval for the court's signature on July 26, 2011. The parties were instructed to submit a proposed judgment to the court following defendant's final payment, at which time, a final judgment will be entered in this matter.

The Court now, being duly advised in the premises, GRANTS the parties' request for final approval of the parties' Settlement Agreement and the Motion for Attorney Fees and Expenses of Plaintiff's Counsel, and finds and ORDERS as follows:

1. The Court finds that it has personal jurisdiction over all potential collective members and that the Court has subject matter jurisdiction to consider and approve the parties' Settlement Agreement.

2. The Court finds that the settlement is fair, reasonable and adequate, and further expressly finds the settlement to be in the best interest of plaintiff Erica Percifield and the individuals who have opted-in.

3. The Court further finds that Plaintiff's counsel and plaintiff have adequately represented the potential collective members for purposes of entering into and implementing the parties' settlement and Settlement Agreement.

4. The Court finds that \$8,000.00 in attorney fees and costs is a reasonable amount for the work performed, and to be performed, by the office of Plaintiff's counsel in the prosecution and winding-up of the settlement in this matter.

5. Accordingly, the Court approves the settlement and Settlement Agreement and directs the parties to implement it as follows:

IT IS HEREBY ORDERED that Defendant shall mail within twenty-one (21) days of the entry of this Order the agreed upon settlement funds minus normal withholdings for Erica Percifield, Charlene Evans, Carrolle Banks, Brittany Garrod, Brenda Barnett, Donna Genrich, Shelia Brown, Sandra King, Kimberlee Brune, Christa Scott, Khristyna Byrd, Sherry Smith, and Brandy Stapp to counsel for Plaintiff.

IT IS ALSO ORDERED that Defendant shall mail within twenty-one (21) days of the entry of this Order the agreed upon settlement funds for Erica Percifield to counsel for Plaintiff.

IT IS ALSO ORDERED that counsel for Plaintiff shall mail the checks to the opt-in plaintiffs within thirty (30) days of the entry of this Order.

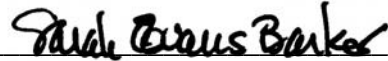
IT IS ALSO ORDERED that Defendant shall mail within twenty-one (21) days of the entry of this Order Eight Thousand Dollars and No Cents (\$8,000.00) for the approved attorney fees and costs to counsel for Plaintiff.

IT IS ALSO ORDERED that the parties shall notify the Court when all settlement funds have been paid in full. At that time, the Court will enter an Order of Final Judgment dismissing this matter in its entirety with prejudice.

Dated: __07/29/2011

Distributed via e-mail:

Michael J. Cork - mcork@bamberger.com
Ronald E. Weldy - weldy@weldylaw.com

A handwritten signature in black ink, reading "Sarah Evans Barker", written over a horizontal line.

SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana